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INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

April 24, 2008

Project Name: SAN DIEGO COUNTY INVESTORS OTAY ENVIRONMENTAL
SUBDIVISION

Project Numbers: TPM 21090, LOG NO. 08-19-001

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
- 1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

- 2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. HAZARDS - OTHER REQUIREMENTS [DPW] [DPLU]

1. Prior to recordation the Certificate of Compliance, the applicant shall submit to the Department of Planning and Land Use evidence that permanent warning signs have been placed to alert the public of the unexploded ordinance (UXO) hazard. Signs should be placed in all locations where the public could access the property, including roads, trails, and footpaths (one sign in each direction upon entering the property site along Johnson Canyon). Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the property boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**"DANGER
Unexploded Ordinance
Keep Out**

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: [08-19-001]"

2. The following conditions will be incorporated into the Mitigated Negative Declaration or CEQA document:
 - a. Mitigation use of this Environmental Subdivision shall substantially comply with the Otay Ranch Subregional Plan, Volume 2 (October 28, 1993), the Otay Ranch Resource Management Plan (October 28, 1993), the Otay Ranch Phase 2 Resource Management Plan (June 4, 1996) as amended, and the County of San Diego Multiple Species Conservation Program (1997). If the site is used for purposes other than as habitat mitigation as approved by the aforementioned documents, the owner shall submit to and receive approval from the County of San Diego:
 - (1). Evidence to the County that documents updated, site specific factual biotic and/or wildlife data.

(2). A Resource Management Plan which provides for the perpetual maintenance and management of biotic or wildlife habitat, or both located on the lots created by TPM 21090 Otay Environmental Subdivision. The plan shall describe the funding mechanism and the method of implementation. Funding shall be secured by bonds in an amount to be determined by the Director of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines.

b. Prior to mitigation use of this Environmental Subdivision any Resource Management Plan or maintenance and monitoring plan created for this site, if it is created before the Army Corp of Engineers (ACOE) Remedial Action is completed, shall require biologists and other staff working on the site to be notified of the UXO hazard and be accompanied at all times by a trained UXO technician who meets ACOE UXO qualification standards with documented completion of formal US military Explosive Ordinance Disposal training.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.

B. WAIVER OF PARCEL MAP REQUIREMENTS [DPLU]

1. THE DIRECTOR OF PLANNING AND LAND USE WILL WAIVE THE REQUIREMENT THAT A PARCEL MAP BE PREPARED AND FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND

RECORDED, AND CAUSE TO BE FILED FOR RECORDING
WITH THE COUNTY RECORDER, A CERTIFICATE OF
COMPLIANCE FOR THE PARCELS SHOWN ON THE
APPROVED TENTATIVE PARCEL MAP.

- a. Pursuant to Section 81.616 of the San Diego County Code, the following findings in support of the approval of a Waiver of Parcel Map are made:
- (1) The proposed subdivision complies with lot area requirements of the San Diego County General Plan and County Zoning Ordinance because the minimum parcel size per slope category is compatible with the proposed subdivision.
 - (2) The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and comply with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code.
 - (3) The design and improvements of the proposed subdivision with regard to flood and water drainage control and street access have been assessed and are in compliance with San Diego County standards.
 - (5) EXEMPT FROM CERTIFICATION, per San Diego County Zoning Ordinance, Section 6903(h). Site is proposed for use as open space. Not approved for any development which would require the use of a subsurface sewage disposal system.
 - (6) The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat because the parcels created by this project are to be used for future biotic and wildlife mitigation purposes only and no development is proposed.
 - (7) The proposed subdivision complies with the Subdivision Map Act and all other ordinances, plans, standards, improvements, and design requirements of San Diego County.

b. In making these findings, only the following conditions must be satisfied:

- (1) The subdivider shall provide the Director of Planning and Land Use and the Department of Public Works with a legal description of each parcel shown on the approved Tentative Parcel Map. The legal description shall be typed on plain white paper, 8½" x 11", with 1" margins at the top, sides, and bottom. It shall be reproducible so as to yield a legible copy (it will be used to describe your property on the Certificate of Compliance when recorded).
- (2) A map, prepared to Record of Survey quality standards, delineating the proposed parcels and the required open space easements, shall be prepared and submitted to the satisfaction of the Regulatory Planning Division and the Department of Public Works. A reduced copy of the map shall be submitted to the Department of Planning and Land Use for recordation along with the Certificate of Compliance. This map shall be reduced to a size of 8½" x 11", on plain white paper, so as to yield a legible copy if reproduced. More than one 8½" x 11" sheet may be used if necessary to ensure legibility.
- (3) A fee shall be submitted to the Department of Planning and Land Use to cover to costs of processing the Certificate of Compliance.

NOTE: No parcel shown on the approved Tentative Parcel Map shall be sold, leased, conveyed, or transferred, and no building permit may be issued for said parcels, unless and until the Certificate of Compliance is filed in the office of the County Recorder.

D. OTHER REQUIREMENTS [DPW] [DPLU]

1. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.

2. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.
3. Zoning regulations require that each parcel shall contain a minimum net area of 6,000 square feet. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
4. The subject property is in the (24) Impact Sensitive Designation of the General Plan and each parcel shall contain a minimum gross area of 4, 8, and 20 acres for parcels with an average slope that does not exceed 25 percent, the average slope is greater than 25 percent and does not exceed 50 percent, and the average slope is greater than 50 percent, respectively. The proposed parcels are 11.36 acres with an average slope of 35 percent (Parcel 1), 10.01 acres with an average slope of 11 percent (Parcel 2), 5.80 acres with an average slope of 2 percent (Parcel 3), and 53.75 acres for Parcel 4. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
5. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).
6. The Subdivision Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order

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accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Richard Grunow, Planning Manager
Regulatory Planning Division

RG:vw:tw